IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5671 of 2005

Between:

K. Sada Vijaya Kumar, S/o. Laxmaiah
102/A, Santhosh Apts, 1st Colony, Warangal-506002.

..... PETITIONER

AND

1 State of A.P., Through The District Forest Officer,
Kakinada Division, Kakinada, East Godavari Dist.
A.P.
2 The Conservator of forests Rajahmundry Circle
Rajahmundry, E.G.Dist, A.P.
3 The District Forest Officer, Kakinada Division,
Kakinada, East Godavari District, A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents in issuing the impugned orders of non-confirmation against the petitioners highest bed vide impugned letters in Rc.No.7590/2004/L dt.11.1.2005 and Rc.No.7590/2004/L dt.12.03.2005 issued by the 3rd respondent and in not disposing of petitioner's appeal dt. 12.03.2005 pending before the 2nd respondent against the said orders as totally arbitrary, illegal and without jurisdiction and in violation of Article 14 of the Constitution of India and consequently direct the respondents to issue confirmation of the bi9d and execute the contract by accepting the petitioner's highest bed and to pass further order or orders.

Counsel for the Petitioner: MR.S.LAKSHMA REDDY

Counsel for the Respondents: GP FOR FORESTS

This Court at the admission stage made the following :

O R D E R:

The petitioner states that in pursuance of the tender notification dated 9-12-2004 issued by the third respondent for sale of Beedi Leaves under Kakinada Division for 3 years of 2005, 2006 & 2007, he participated and was declared as highest bidder. However, by the order of the third respondent dated 11-03-2005, he was informed that the bid offered by him is not approved and therefore the sale is not confirmed. Aggrieved by the same, he preferred an appeal before the second respondent under Rule 33 of the Andhra Pradesh Forest Contract (Disposal of Forest Produce) Rules, 1977.

The only grievance of the petitioner is that the second respondent has failed to consider the said appeal and that no orders have been passed even on the application in which he sought interim direction, not to issue fresh tender notification for the unit in question. Hence, this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Forests appearing for the respondents, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to consider the application of the petitioner in which he sought interim directions pending disposal of the Appeal.

The writ petition is accordingly disposed of with a direction to the second respondent to consider the application for interim direction filed by the petitioner in his appeal, dated 12-03-2005, and to pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. No costs.

(G. ROHINI, J)

Date:23-03-2005

Note: CC in two days.

B/o

ghn

To

1 State of A.P., Through The District Forest Officer,
Kakinada Division, Kakinada, East Godavari Dist.
A.P.
2 The Conservator of forests Rajahmundry Circle
Rajahmundry, E.G.Dist, A.P.
3 The District Forest Officer, Kakinada Division,
Kakinada, East Godavari District, A.P.

4 Two CCs to the Government Pleader for Forests, High Court of A.P.,

Hyderabad. (O.U.T.).

5 Two CD copies.